

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 changing Section 11.05 and by adding Section 9.5 as follows:

6 (410 ILCS 45/9.5 new)

7 Sec. 9.5. Illinois Lead-Hazardous Housing Registry.

8 (a) The Department shall create, maintain, and make
9 available to the public a Lead-Hazardous Housing Registry that
10 will provide information regarding properties within this
11 State that have been determined to contain a lead hazard
12 pursuant to Section 9 of this Act.

13 Properties shall be listed on the registry as follows:

14 (1) If the mitigation notice was issued for a dwelling
15 unit inspected as a result of an elevated blood lead level
16 in a pregnant woman or a child, the property shall be
17 listed on the registry 35 days after issuance of the
18 mitigation notice unless the Department or delegate agency
19 issues an extension of the deadline pursuant to subsection
20 (6) of Section 9 of this Act.

21 (2) In all other cases, the property shall be listed on
22 the registry 95 days after the issuance of the mitigation
23 notice unless the Department or delegate agency issues an

1 extension of the deadline pursuant to subsection (6) of
2 Section 9 of this Act.

3 (3) All properties shall be listed on the registry 180
4 days after issuance of the mitigation notice regardless of
5 any extensions granted by the Department or delegate
6 agencies.

7 (b) The following information shall be made available for
8 properties included on the registry:

9 (1) whether the property is a single family home or
10 multi-unit dwelling;

11 (2) street address, including unit or apartment
12 number, city and county;

13 (3) date the mitigation notice was issued;

14 (4) whether a mitigation or abatement plan has been
15 filed by the property owner pursuant to subsection (4) of
16 Section 9 of this Act; and

17 (5) whether the Department has issued a notice of
18 deficiency pursuant to subsection (7) of Section 9 of this
19 Act.

20 (c) Properties shall be removed from the Lead-Hazardous
21 Registry within 3 business days after the Department or
22 delegate agency issues a certificate of compliance. Delegate
23 agencies must inform the Department within 3 business days that
24 the certificate of compliance has been issued.

25 (d) The Department shall make the Lead-Hazardous Housing
26 Registry available on its Internet website within 90 days after

1 the effective date of this amendatory Act of the 95th General
2 Assembly, accessible through a link on the Department's home
3 page or first entry point. The registry shall be capable of
4 being searched by city and county.

5 (e) The Department shall include the required information
6 for all properties for which a mitigation notice was issued
7 more than 180 days prior to the effective date of this
8 amendatory Act of the 95th General Assembly.

9 (f) Notwithstanding any other rulemaking authority that
10 may exist, neither the Governor nor any agency or agency head
11 under the jurisdiction of the Governor has any authority to
12 make or promulgate rules to implement or enforce the provisions
13 of this amendatory Act of the 95th General Assembly. If,
14 however, the Governor believes that rules are necessary to
15 implement or enforce the provisions of this amendatory Act of
16 the 95th General Assembly, the Governor may suggest rules to
17 the General Assembly by filing them with the Clerk of the House
18 and Secretary of the Senate and by requesting that the General
19 Assembly authorize such rulemaking by law, enact those
20 suggested rules into law, or take any other appropriate action
21 in the General Assembly's discretion. Nothing contained in this
22 amendatory Act of the 95th General Assembly shall be
23 interpreted to grant rulemaking authority under any other
24 Illinois statute where such authority is not otherwise
25 explicitly given. For the purposes of this amendatory Act of
26 the 95th General Assembly, "rules" is given the meaning

1 contained in Section 1-70 of the Illinois Administrative
2 Procedure Act, and "agency" and "agency head" are given the
3 meanings contained in Sections 1-20 and 1-25 of the Illinois
4 Administrative Procedure Act to the extent that such
5 definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 (410 ILCS 45/11.05)

8 Sec. 11.05. Advisory Council.

9 (a) The General Assembly finds the following:

10 (1) Lead-based paint poisoning is a potentially
11 devastating but preventable disease and is the number one
12 environmental threat to children's health in the United
13 States.

14 (2) The number of lead-poisoned children in Illinois is
15 among the highest in the nation, especially in older,
16 affordable properties.

17 (3) Lead poisoning causes irreversible damage to the
18 development of a child's nervous system. Even at low and
19 moderate levels, lead poisoning causes learning
20 disabilities, speech problems, shortened attention span,
21 hyperactivity, and behavioral problems. Recent research
22 links high levels of lead exposure to lower IQ scores and
23 to juvenile delinquency.

24 (4) Older housing is the number one risk factor for
25 childhood lead poisoning. Properties built before 1950 are

1 statistically much more likely to contain lead-based paint
2 hazards than buildings constructed more recently.

3 (5) Illinois ranks 10th out of the 50 states in the age
4 of its housing stock. More than 50% of the housing units in
5 Chicago and in Rock Island, Peoria, Macon, Madison, and
6 Kankakee counties were built before 1960 and more than 43%
7 of the housing units in St. Clair, Winnebago, Sangamon,
8 Kane, and Cook counties were built before 1950.

9 (6) There are nearly 1.4 million households with
10 lead-based paint hazards in Illinois.

11 (7) Most children are lead-poisoned in their own homes
12 through exposure to lead dust from deteriorated lead-paint
13 surfaces, like windows, and when lead paint deteriorates or
14 is disturbed through home renovation and repainting.

15 (8) The control of lead hazards significantly reduces
16 lead poisoning rates. Other communities, including New
17 York City and Milwaukee, have successfully reduced lead
18 poisoning rates by removing lead-based paint hazards on
19 windows.

20 (9) Windows are considered a higher lead exposure risk
21 more often than other components in a housing unit. Windows
22 are a major contributor of lead dust in the home, due to
23 both weathering conditions and friction effects on paint.

24 (10) There is an insufficient pool of licensed lead
25 abatement workers and contractors to address the problem in
26 some areas of the State.

1 (11) Training, insurance, and licensing costs for lead
2 removal workers are prohibitively high.

3 (12) Through grants from the United States Department
4 of Housing and Urban Development, some communities in
5 Illinois have begun to reduce lead poisoning of children.
6 While this is an ongoing effort, it addresses only a small
7 number of the low-income children statewide in communities
8 with high levels of lead paint in the housing stock.

9 (b) For purposes of this Section:

10 "Advisory Council" means the Lead-Safe Housing Advisory
11 Council created under subsection (c).

12 "Lead-Safe Housing Maintenance Standards" or "Standards"
13 means standards developed by the Advisory Council pursuant to
14 this Section.

15 "Low-income" means a household at or below 80% of the
16 median income level for a given county as determined annually
17 by the United States Department of Housing and Urban
18 Development.

19 "Primary prevention" means removing lead hazards before a
20 child is poisoned rather than relying on identification of a
21 lead poisoned child as the triggering event.

22 (c) The Lead-Safe Housing Advisory Council is created to
23 advise the Department on lead poisoning prevention activities.
24 The Advisory Council shall be chaired by the Director or his or
25 her designee and the chair of the Illinois Lead Safe Housing
26 Task Force and provided with administrative support by the

1 Department. The Advisory Council shall be comprised of (i) the
2 directors, or their designees, of the Illinois Housing
3 Development Authority and the Environmental Protection Agency;
4 and (ii) the directors, or their designees, of public health
5 departments of counties identified by the Department that
6 contain communities with a concentration of high-risk,
7 lead-contaminated properties.

8 The Advisory Council shall also include the following
9 members appointed by the Governor:

10 (1) One representative from the Illinois Association
11 of Realtors.

12 (2) One representative from the insurance industry.

13 (3) Two pediatricians or other physicians with
14 knowledge of lead-paint poisoning.

15 (4) Two representatives from the private-sector,
16 lead-based-paint-abatement industry who are licensed in
17 Illinois as an abatement contractor, worker, or risk
18 assessor.

19 (5) Two representatives from community based
20 organizations in communities with a concentration of high
21 risk lead contaminated properties. High-risk communities
22 shall be identified based upon the prevalence of low-income
23 families whose children are lead poisoned and the age of
24 the housing stock.

25 (6) At least 3 lead-safe housing advocates, including
26 (i) the parent of a lead-poisoned child, (ii) a

1 representative from a child advocacy organization, and
2 (iii) a representative from a tenant housing organization.

3 (7) One representative from the Illinois paint and
4 coatings industry.

5 Within 9 months after its formation, the Advisory Council
6 shall submit a written report to the Governor and the General
7 Assembly on:

8 (1) developing a primary prevention program for
9 addressing lead poisoning;

10 (2) developing a sufficient pool of lead abatement
11 workers and contractors;

12 (3) targeting blood lead screening to children
13 residing in high-risk buildings and neighborhoods;

14 (4) ensuring lead-safe work practices in all
15 remodeling, rehabilitation, and weatherization work;

16 (5) funding mechanisms to assist residential property
17 owners in costs of lead abatement and mitigation;

18 (6) providing insurance subsidies to licensed lead
19 abatement contractors who target their work to high-risk
20 communities; and

21 (7) developing any necessary legislation or rulemaking
22 to improve the effectiveness of State and local programs in
23 lead abatement and other prevention and control
24 activities.

25 The Advisory Council shall develop handbooks and training
26 for property owners and tenants explaining the Standards and

1 State and federal requirements for lead-safe housing.

2 The Advisory Council shall develop a distribution plan for
3 the Lead-Hazardous Housing Registry created pursuant to
4 Section 9.5 of this Act. The Department shall implement the
5 distribution plan before January 1, 2009. Notwithstanding any
6 other rulemaking authority that may exist, neither the Governor
7 nor any agency or agency head under the jurisdiction of the
8 Governor has any authority to make or promulgate rules to
9 implement or enforce the provisions of this amendatory Act of
10 the 95th General Assembly. If, however, the Governor believes
11 that rules are necessary to implement or enforce the provisions
12 of this amendatory Act of the 95th General Assembly, the
13 Governor may suggest rules to the General Assembly by filing
14 them with the Clerk of the House and Secretary of the Senate
15 and by requesting that the General Assembly authorize such
16 rulemaking by law, enact those suggested rules into law, or
17 take any other appropriate action in the General Assembly's
18 discretion. Nothing contained in this amendatory Act of the
19 95th General Assembly shall be interpreted to grant rulemaking
20 authority under any other Illinois statute where such authority
21 is not otherwise explicitly given. For the purposes of this
22 amendatory Act of the 95th General Assembly, "rules" is given
23 the meaning contained in Section 1-70 of the Illinois
24 Administrative Procedure Act, and "agency" and "agency head"
25 are given the meanings contained in Sections 1-20 and 1-25 of
26 the Illinois Administrative Procedure Act to the extent that

1 such definitions apply to agencies or agency heads under the
2 jurisdiction of the Governor.

3 The Advisory Council shall meet at least quarterly. Its
4 members shall receive no compensation for their services, but
5 their reasonable travel expenses actually incurred shall be
6 reimbursed by the Department.

7 (Source: P.A. 93-348, eff. 1-1-04; 93-789, eff. 7-22-04.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.